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ILLINOIS COMMERCE
COMMISSION

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**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

TRANSPORTATION DIV.

**THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for and in
behalf of the People of the State of Illinois,**

Petitioner,

vs.

NEW YORK CENTRAL LINES LLC,

Respondent.

No. 2000-T- 00 - 0020

Parcel No. 8560104PE

PETITION FOR APPROVAL TO TAKE PROPERTY

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by JAMES E. RYAN, ATTORNEY GENERAL and STANLEY L. MORRIS, Special Assistant Attorney General, and for its Petition for Approval to Take Property states:

1. Petitioner has engaged in the construction, operation and maintenance of FAP Route 600 (IL 159), a State highway under the control and jurisdiction of Petitioner, in St. Clair County, Illinois, under and by virtue of the Illinois Highway Code(605 ILCS 5/2-101 through 5/2-220 and 5/4-101 through 5/4-511). The lands and premises hereinafter described and legally described as set out in Exhibit "A" which is attached hereto and incorporated by this reference, are required as a part of the improvement of FAP Route 600 which

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consists of widening the existing two lane facility into a five lane facility consisting of four through lanes and a bi-directional turn lane. The improvement extends along Illinois Route 159 from north of the Interstate 64 interchange in St. Clair County on the south to the proposed Edwardsville south bypass on the north in Madison County. Parcel 8560104 is located on the south city limits of Collinsville under Illinois Route 159 at South Morrison Avenue, Caseyville, St. Clair County, Illinois (the "Project").

2. Respondent, New York Central Lines LLC, is a rail carrier as defined in the Illinois Commercial Transportation Law (625 ILCS 5/18c-7101 et seq.), is engaged as a common carrier by railroad within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.
3. The land, rights, and other property hereinafter described are private property and the Respondent appears to own, have an interest in, or claim to have some interest therein.
4. The Project is a public work, is for public use and constitutes a public purpose, in St. Clair County, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire a permanent easement in Parcel 8560104PE, more particularly described in Exhibit "A" attached hereto, for the purpose of bridge construction and maintenance.
5. The compensation to be paid by the Petitioner to the Respondent for this parcel or the interest therein or the form of conveyance cannot be agreed upon

between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial approval of the Illinois Commerce Commission, to proceed to acquire said lands, rights or other property through the exercise of the right of eminent domain under the Eminent Domain of the Laws of Illinois.

WHEREFORE, Petitioner prays the Illinois Commerce Commission enter an Order authorizing Petitioner to proceed with an action in eminent domain to acquire from Respondent New York Central Lines, LLC, a permanent easement in Parcel 8560104PE, more particularly described in Exhibit "A", all in accordance with Article VII (735 ILCS 5/7-101 through 5/7-129) of the Illinois Code of Civil Procedure.

THE DEPARTMENT OF
TRANSPORTATION,
STATE OF ILLINOIS, Petitioner

JAMES E. RYAN, ATTORNEY GENERAL

By: 

Stanley L. Morris, Special
Assistant Attorney General

Stanley L. Morris
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STATE OF ILLINOIS

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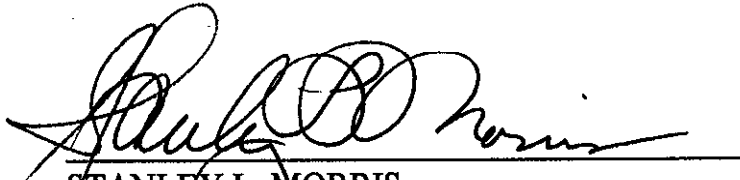
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COUNTY OF SANGAMON

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I, STANLEY L. MORRIS, of lawful age and being first duly sworn, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof and that on information and belief said contents are true in substance and in fact.


STANLEY L. MORRIS
Special Assistant Attorney General

Subscribed and sworn to before me, a Notary Public, this 13th day of March, 2000.


Notary Public



PROOF OF SERVICE

The undersigned certifies that on March 13, 2000, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

CT Corporation System
208 S. LaSalle Street
Chicago, IL 60604

New York Central Lines LLC,
a Delaware Limited Liability Company
c/o CSX Real Property
301 West Bay Street, Suite 800
Jacksonville, Florida 32202

Cynthia Haue

Part of the 100 foot railroad right of way of the New York Central Lines LLC (formerly the Consolidated Rail Corporation) in the East Half of the Northeast Quarter of Section 4, Township 2 North, Range 8 West of the Third Principal Meridian, St Clair County, Illinois, being more particularly described as follows:

Beginning at the most westerly corner of Lot B in McLean and Galvins Subdivision of part of Lot 2 in U.S. Survey Number 393 and part of Lot 7 in said East Half, reference being had to the plat thereof recorded in Book of Plats 43, Page 12 in the St. Clair County Recorder's Office; thence southwesterly 221.33 feet along the southeasterly line of said railroad right of way on a curve to the right, having a radius of 15,060.00 feet, the chord of said curve bears South 36 degrees 02 minutes 14 seconds West, 221.33 feet to the easterly line of the Permanent Easement granted to the People of the State of Illinois, Department of Transportation, according to the document recorded as Book 2483, Page 1284; thence North 16 degrees 13 minutes 43 seconds West along said easterly line, 125.98 feet to the northwesterly line of said railroad right of way; thence northeasterly 221.92 feet along said northwesterly line on a curve to the left, having a radius of 14,960.00 feet, the chord of said curve bears North 35 degrees 44 minutes 27 seconds East, 221.92 feet to the existing easterly right of way line of FAP Route 600 (marked Illinois Route 159) according to the Deed for Right of Way for Public Road Purposes recorded November 28, 1932 as Book 797, Page 65; thence South 16 degrees 20 minutes 10 seconds East, 127.25 feet to the Point of Beginning.

Parcel 8560104-PE herein described contains 0.509 acre.

Bearings used herein are referenced to Grid north of the Illinois State Plane Coordinate System, West Zone.

